

THE NETHERLANDS. INSPECTION ACTIVITIES

Title of the inspection activities: **Accident investigation by the employer**

Duration of the inspection activities: **since January 2023**

Aim of the inspection activities: **As of January 1, 2023, the Netherlands Labour Authority applies a new standard procedure in the investigation of workplace accidents (following a pilot). In this new approach, the employer conducts the accident investigation themselves and prepares an employer's report based on this. In the employer's report he also in the employer report he also indicates which improvement measures need to be taken. The goal of this new approach is to increase awareness of safety and health risks within companies and for the employer to take appropriate measures to reduce these risks as much as possible.**

Brief description of the approach: When a report of a workplace accident is received, the Netherlands Labour Authority visits the site to assess what has happened and secures evidence and documents. The Labour Authority then offers the employer the opportunity to conduct their own investigation into the cause of certain reportable workplace accidents. If the employer chooses to conduct the accident investigation, the employer is expected to not only investigate the direct cause(s) of the accident that occurred at the company but also explore possible underlying causes/root causes. Based on this investigation, the employer prepares a report with an improvement plan, which includes appropriate corrective measures and a timeline for implementation (this procedure will henceforth be referred to as the 'intervention employer's report'). The Labour Authority reviews the employer's report and improvement plan. If the inspector deems the employer's report and/or improvement plan insufficient on the first review, the employer is given a second chance to revise the report and plan. Once the report and improvement plan are approved, the Labour Authority will not enforce any penalties, unless the inspector identifies a violation during a follow-up inspection. In all cases, an inspection will take place after a period of time to see if the improvement measures have been implemented. If this is not the case, enforcement will follow.

Scope of the inspection activities: **All accident investigations reported to the Netherlands Labour Authority, excluding those with very severe consequences to the victim.**

Sector covered by inspections: **all sectors**

The number of establishments inspected in the framework of the activities: **ca. 2.500 per year**

The number of labour inspectors involved in implementing the inspection activities: **ca. 200**

The number of persons involved in supervising the implementation of the inspection activities (including development of inspection documents and summarizing results of inspections): **15**

Short summary of the outcome of the inspection activities: **During the research period between December 2023 and June 2024, the Labour Authority conducted an average of about eighty follow-up inspections per month after the employer's report and the improvement plan had been approved (total 540). In 93% of cases, the employer had prepared the employer's report entirely (77%) or partially (16%) on their own. The employer's report and the improvement plan were approved directly in about half of the cases. In the other half, the employer's report and/or the improvement plan was approved at a later stage, after initially being rejected. In approximately 1% of the accident cases where the intervention employer's report was used, the Labour Authority rejected the employer's report and/or the improvement plan twice, leading to an accident investigation being carried out by the Labour Inspectorate.**

By the time of the follow-up inspection, a large majority of companies (84%) had implemented all the measures they had planned in the improvement plan. Additionally, 39% of companies implemented additional measures that were not required and went beyond the improvement plan. This is supported by inspectors' observations that, in most companies, an improvement or change in the corporate culture is being initiated as a result of the accident and the subsequent investigation.

In only 11 percent of cases do we have to take enforcement action after the inspection.

No.	question	yes/no	comment
Inspection activity			
A. Selecting priority areas for inspection			
1.	What sources of information did you use in selecting the priority area for inspection?		<input checked="" type="checkbox"/> inspectorate's own database of workplace accidents
2.	What was the main reason for selecting the inspection priority area?		<input checked="" type="checkbox"/> high rates of workplace accidents, including fatal and serious accidents <input checked="" type="checkbox"/> others (please specify) Increasing the emphasis on prevention of accidents, through accident investigation conducted by the employers themselves.
3.	What was defined as priority area?		<input checked="" type="checkbox"/> others (please specify) Occurrence of a workplace accident and the subsequent investigation.
4.	What was the predominant aim of workplace inspections?		<input checked="" type="checkbox"/> to enforce compliance with the law in the inspected entities <input checked="" type="checkbox"/> others (please specify) To increase awareness of the importance of OSH-measures to prevent accidents at work.
5.	How did you determine the number of entities to be inspected?		<input checked="" type="checkbox"/> other criteria (please specify) Most reported accidents at work are investigated using this method.
6.	What was taken into consideration when determining the number of inspections to be carried out by individual field offices (regions):		<input checked="" type="checkbox"/> others (please specify) All accidents at work.
7.	Were IT tools used to identify the priority area in the described inspection campaign?	NO	
8.	Were IT tools used to identify the target group of inspected entities in the described inspection campaign?	NO	

B. Determining the time span of inspection activities -			
10.	What was the average duration of a workplace visit conducted in the framework of the programme implementation (the time it took to complete inspection activities at an individual establishment)?		<input checked="" type="checkbox"/> within more than one day, total duration exceeding 8 hours (please provide the exact number of days/hours, if available). The accident investigation takes a total of 25 hours per investigation.
11.	What was the average duration of the activities carried out in the office of the labour inspectorate (excluding the penal and administrative sanctions)?		<input checked="" type="checkbox"/> within more than one day, total duration exceeding 8 hours (please provide the exact number of days/hours, if available). The on-site investigation takes approximately 6 hours, while assessing the report and contact with the employer takes approximately 20 hours.
C. Selecting establishments for inspection.			
12.	What criteria were used when selecting establishments for inspection?		<input checked="" type="checkbox"/> others (please specify) All investigations of reported accidents at work, with the exception of those resulting in very severe consequences or in case of repeating occurrence.
D. Provision of staff for carrying out inspections			
15.	What group of inspectors was involved in the inspection activities?		<input checked="" type="checkbox"/> other (please specify). All labour inspectors involved in accident investigation.
16.	How were inspectors prepared for the inspection activities (additional training)?		<input checked="" type="checkbox"/> additional training was provided by the same person (the same team) for all labour inspectors involved in the campaign;
18.	What materials were at the inspectors' disposal during the activities?		<input checked="" type="checkbox"/> the rationale of the inspection activities; <input checked="" type="checkbox"/> description of the inspection activities' objectives; <input checked="" type="checkbox"/> description of the ways in which to implement the activities (tasks to be completed); <input checked="" type="checkbox"/> checklists;

			<input checked="" type="checkbox"/> description of the reporting requirements; <input checked="" type="checkbox"/> promotional and communication materials for employers
E. Involvement of other regulators, institutions, authorities for labour protection and social partners in the implementation process.			
20.	Can other regulators, institutions, authorities for labour protection and social partners submit their proposals of inspection topics to the inspectorate's plan of work?	NO	
21.	Was the inspection activity the result of a proposal submitted by another regulator, institution, authority for labour protection or social partner?	NO	
22.	Was there any cooperation between the labour inspectorate and another regulator, institution, authority for labour protection or social partner?	YES	We have had preliminary discussions with unions for employees and employers. We have also spoken with personal injury lawyers. Finally, there has also been consultation with other inspection services that investigate occupational accidents. This includes the Police, the State Supervision of Mines and the Environmental and Transport Inspectorate.
23.	At which stage was the cooperation with another regulator, institution, authority for labour protection or social partner initiated?		<input checked="" type="checkbox"/> at the planning stage; <input checked="" type="checkbox"/> at the communication stage regarding the onset of the inspection activity; <input checked="" type="checkbox"/> at the implementation stage of the activity
24.	What did the cooperation with another regulator, institution, authority for labour protection or social partner involve?		<input checked="" type="checkbox"/> others – please specify: participation in training for labour inspectors of another regulator, institution, authority for labour protection
25.	Are there any legal requirements obliging other regulators, institutions, authorities or social partners to make	NO	

	their data accessible to the labour inspectorate for inspection needs?		
26.	Does the labour inspectorate have direct online access to information and data collected by other bodies, institutions and authorities?	NO	
F. Supporting inspection activities with training provided for employers or workers (combining inspection and educational activities)			
28.	Were establishments covered by inspections provided with information or training prior to the commencement of the inspection task?	YES	There is a training involved and we prepared an Investigation guideline and Appendix with questions to use as part of the accident investigation by employers
G. Monitoring the implementation of inspection activities			
31.	Was the implementation of inspection activities in any way monitored and coordinated?	YES	How many people were involved in monitoring and coordination of the inspection activity? 15
H. Communicating the information about inspection campaign and its results.			
34.	Did you develop any plan to communicate the information about the inspection activities to:		
a)	stakeholders in the sector covered by the inspection activity ?	YES	Yes, beforehand, during and after the implementation of the new way of investigating.
b)	the general public?	NO	
I. Evaluating the results of the inspection activities. Evaluation methods and tools.			
37.	How were the results of inspection campaign evaluated?		
a)	based on a checklist	NO	
b)	based on the number of legal measures issued	NO	
c)	based on the type of legal measures issued	NO	
d)	based on the number of implemented legal measures	NO	

e)	based on the type of implemented legal measures	NO	
f)	other way	YES	Researchers of the inspectorate conducted a first evaluation, which was published in December 2024. A second evaluation is expected in 2025.
38.	How was the information about the effects of inspection campaign obtained (e.g. about the elimination of irregularities, introduction of higher standards)?		
a)	information provided by the employer	NO	
b)	information provided by the labour inspector who conducted the next inspection at the workplace	YES	If so, what form did the information provided by the inspector have? A standardized questionnaire prepared by the researchers who conducted the evaluation.
c)	other way	NO	
41.	How were the project effects evaluated?		
a)	Was any final summary evaluation of the inspection task (inspection campaign) made?	YES	If so, what was the scope of such evaluation? The first evaluation covers the period between December 2023 – June 2024.
b)	Were partial assessments made during the inspection activity?	NO	
c)	Did you prepare a formal document with evaluation of the inspection activity after its completion?	YES	If so, was the formal evaluation document prepared by the labour inspectorate or an external evaluator? Please name the entities which conducted such external evaluation. Researchers within the inspectorate How were the report conclusions disseminated? Via the inspectorate's website: Effectonderzoek nieuwe aanpak ongevalsonderzoek 2024 Rapport Nederlandse Arbeidsinspectie